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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,055	10/31/2003	Jay J. Baker	041053/270490	1209
826	7590	08/09/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				AHMAD, NASSER
ART UNIT		PAPER NUMBER		
		1772		

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/699,055	BAKER, JAY J.
	Examiner	Art Unit
	Nasser Ahmad	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,9 and 10 is/are rejected.
- 7) Claim(s) 7 and 8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, species claims 1-10 in the reply filed on 6/12/2006 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckhout (5487557).

Eckhout relates to an apparatus (12) comprising a base shell (36) having an outer side and a generally opposing wall side facing said wall (14), said base shell including one or more landings on said outer side (the planar surface and the curved edges are interpreted to be plural landings), an outer shell (32) having an outwardly-facing decorative side and a generally opposing inner side facing said wall, said outer shell including one or more bases (the planar surface and the curved edges are interpreted to be plural bases) on said inner side, said one or more bases corresponding in size and location to said one or more landings as shown in figure-3 and one or more shell fasteners for attaching said one or more bases to said one or more landings, thereby joining said outer shell to said base shell (figure-3 shows that the outer shell is fastened

to the base shell). The base shell has one or more footings (40) on said wall side, one or more wall fasteners (42) for attaching said one or more footings to said wall, thereby joining said base shell to said wall. The apparatus further comprises one or more intermediate shells (34) having one or more intermediate bases (the planar surface and the curved edges are interpreted to be plural bases) on an inner surface and one or more intermediate landings (the planar surface and the curved edges are interpreted to be plural landings) on an outer surface, said one or more intermediate bases corresponding in size and location to said one or more landings on said base shell, and said one or more intermediate landings corresponding in size and location to said one or more bases on said outer shell, and one or more intermediate fasteners for attaching said one or more intermediate shells to said base shell as shown in figure3, wherein the intermediate shell is secured to the base shell. Said one or more footings on said wall side form one or more corresponding channels on said outer side of said base shell, and wherein said one or more landings are interspersed on said outer side between and among said one or more channels.

The phrase "wherein said base shell and said outer shell are manufactured by thermoforming" have not been given any patentable weight because the process of making the product is not germane to the issue of patentability of the itself.

The phrase "when joined", in claim 6 is not found to be of positive limitation as it is directed to an intended future use of the claimed product.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Courtney (5622389)..

Courtney relates to an apparatus (10) comprising a base shell (11) having an outer side and a generally opposing wall side facing said wall (14), said base shell including one or more landings on said outer side (the planar surface is interpreted to be one landing), an outer shell (12) having an outwardly-facing decorative side and a generally opposing inner side facing said wall, said outer shell including one or more bases (the planar surface is interpreted to be one base) on said inner side, said one base corresponding in size and location to said one landing as shown in figure-2 and one or more shell fasteners for attaching said one base to said one landing, thereby joining said outer shell to said base shell (figure-2 shows that the outer shell is fastened to the base shell). For claim 9, the shell fastener is a two-part fastening tape joined by hook side and loop side (16) which is adhesively secured to the bumper wall. The base shell has one or more footings (40) on said wall side, one or more wall fasteners (42) for attaching said one or more footings to said wall, thereby joining said base shell to said wall. However, Courtney fails to teach the presence of a release liner covering the adhesive surface. It would have been obvious to one having ordinary skill in the art to modify Courtney's

hook and loop tapes' adhesive surface to have a release liner for providing protection thereto prior to applying the tape to the bumper surface because use of a protective adhesive release liner is well known in the adhesive art.

Allowable Subject Matter

6. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach shell fasteners comprises segments of foam tape as recited in claims 7 and 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 8/7/06
Primary Examiner
Art Unit 1772

N. Ahmad.
August 7, 2006.